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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/187,669	11/05/98	MARBAN	E 47728

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                                          HM22/1010
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P.O. BOX 9169
BOSTON MA 02209
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EXAMINER
LEFFERS JR,G

ART UNIT	PAPER NUMBER
1636	12

DATE MAILED:
10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER
Gerald G. Leffers Jr.

ART UNIT	PAPER
1636	12

DATE MAILED:

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Commissioner of Patents

The communication filed **7-18-01** is not fully responsive to the Office communication mailed **5/21/01** for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CFR Diskette Problem Report. Applicant must comply with the requirements of the sequences rules (37 CFR 1.821 – 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to a <u>bona fide</u> attempt to comply with the requirements of the sequence rules (37 CFR 1.821 – 1.825), applicant is given a **TIME PERIOD of ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 – 1.825) in order to avoid abandonment of the application under 37 CFR 1.821 (g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **Gerald G. Leffers Jr.**, Art Unit **1636**, whose telephone number is **(703) 308-6232**.

Any inquiry of a general nature or relating to the status of this application, or relating to attachments to this office action, should be directed to the Patent Analyst Zeta Adams, whose telephone number is (703) 305-3291.

Gerald G. Leffers Jr.
Examiner, Art Unit 1636
October 4, 2001

DAVID GUZO
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other:

Applicant Must Provide:
☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
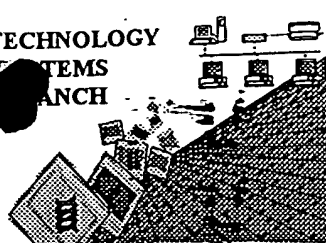PatentIn Software Program Support
    Technical Assistance.......................................703-287-0200
    To Purchase PatentIn Software.......................703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

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12

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: _09/187,669_

Filing Date: _11/05/1998_

Date Processed by STIC: _7/25/2001_

STIC Contact: **Mark Spencer, 703-308-4212**

Nature of Problem:

The CRF (was):

____ (circle one) Damaged or Unreadable (for Unreadable, see attached)

_J_ Blank (no files on CRF) (see attached)

____ Empty file (filename present, but no bytes in file) (see attached)

____ Virus-infected. Virus name: _____ The STIC will not process the CRF.

____ Not saved in ASCII text

____ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.

____ Did not contain a Sequence Listing. (see attached sample)

____ Other: _____

_____

PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS. SEE BELOW FOR DETAILS:

Checker Version 3.0

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

http://www.uspto.gov/web/offices/pac/checker

```
A:\>DIR

 Volume in drive A has no label
 Directory of A:\
 File not found
                        1,457,664 bytes free

 A:\>
```

Observer message when
PC tried to read
submitted CRF

```
A:\>DIR

 Volume in drive A has no label
 Directory of A:\
 File not found
                        1,457,664 bytes free

 A:\>
```